

## RULE D6

### Pension debit members

**Rule D6 requires any pension sharing order to be disregarded for the purposes of assessing a child's award under Part D.**

**Pension debit members**

A pension debit member is a member of the FPS whose benefits have been made subject to a pension sharing order issued by a court on divorce, dissolution of civil partnership, or annulment. Under section 31 of the Welfare Reform and Pensions Act 1999, the amount or percentage of pension rights quoted in the pension sharing order must be deducted from the capital value of the Scheme member's benefits as at the date of the order. So the rights are "debited" (hence the expression "pension debit member") to provide benefits for the ex-spouse or civil partner (who is known as the "pension credit member").

**Action required**

Although action must be taken to reduce the firefighter's own pension under Part B or the spouse's or civil partner's pension under Part C or Part E (flat rate awards), Rule D6 makes it clear that children's benefits are not affected by a pension sharing order. The sums due will be the same as if the marriage or civil partnership had not ended.

**Useful reference source**

- FSC 17/2001: advance issue of Annexe 14
- FPSC 5/2005: introduction of survivor's benefits for civil partnerships

**Points To Note**

1. Sometimes a court will issue an "earmarking" order, instead of a pension sharing order, in the event of divorce, dissolution of civil partnership, annulment, or judicial separation. As in the case of a pension sharing order, an earmarking order will not affect the level of any children's benefits payable.